

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-051-C - ORDER NO. 92-87 ✓
FEBRUARY 10, 1992

IN RE: Helayne Celano,)	
)	
Complainant,)	
)	
vs.)	ORDER
)	DISMISSING
)	COMPLAINT
Southern Bell Telephone &)	
Telegraph Company,)	
)	
Respondent.)	
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a request for formal hearing made by Helayne Celano (the Complainant) regarding a charge for repair service made by Southern Bell Telephone & Telegraph Company (the Company or Respondent).

According to the information on file with the Commission, which consists of information obtained from the Complainant over the telephone, information filed by the Complainant, and information filed by the Company, the Commission concludes that the complaint should be dismissed without hearing, pursuant to S.C. Code Ann. §58-9-1110 (1976). Section 58-9-1110 provides that the Commission "may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest or for the protection of substantial rights."

In support of this conclusion, the Commission makes the following findings of fact:

1. That the Company received numerous trouble reports from the Complainant stating that at times, the customer reached a recording advising her to dial a "1" or "0" on local and long distance calls. The Company dispatched technicians on several occasions to investigate the problem. No problems were found with the Company's facilities or equipment on any of the visits.
2. The Company changed the channel unit in the facility hut as a precautionary measure. The Company made numerous test calls in an unsuccessful effort to duplicate the alleged trouble condition.
3. On January 30, 1991, a technician was again dispatched and went to the Celano home to check the telephone sets. He was instructed to leave by the Complainant.
4. Since no problems were found in the Company's equipment or line, the customer was billed a \$55.50 maintenance charge.
5. By letter dated July 11, 1991, and received by the Commission July 29, 1991, the Complainant's husband filed a formal complaint against Southern Bell regarding the \$55.50 repair charge.
6. The Complainant does not subscribe to the Company's maintenance plan.
7. By Order No. 86-1146, issued November 5, 1986, in Docket No. 85-243-C, the Commission considered the deregulation of inside wiring on the customer's premises. In that Order, the Commission recognized the Federal Communications Commission's (FCC's) decision

in Common Carrier Docket No. 79-105 which deregulated and detariffed inside wire installation and maintenance. The Commission recognized that the local exchange company customer had the option to pay for an optional inside wire maintenance plan which would not be regulated by the Commission nor offered under tariff.

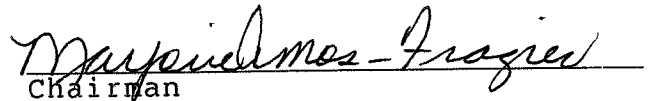
8. The maintenance charge assessed by Southern Bell to the Complainant is a unregulated and non-tariffed charge contemplated by Order No. 86-1146. Therefore, the charge imposed by Southern Bell to the Complainant is not regulated by the Commission and is outside of the Commission's jurisdiction to adjudicate.

9. Since the Commission has no jurisdiction over the imposition of this charge, there is no "public interest" or "substantial rights" for the Commission to protect through the hearing process.

10. Accordingly, the Commission finds that this matter should be dismissed pursuant to Section 58-9-1110.

11. Additionally, since this charge is for a non-regulated service, pursuant to R.103-626(C) of the Commission's Rules and Regulations, the local telephone service to that customer may not be disconnected for non-payment of a non-regulated telecommunications service furnished by the Company.

IT IS SO ORDERED.


Chairman

ATTEST:


Executive Director

(SEAL)